IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 21ST AUGUST 2007 / 30TH SRAVANA 1929

WP(C).No. 5952 of 2006(H)

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OS.43/2002 of SUB COURT, QUILANDY

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PETITIONER:

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1. PANTHIVAYALIL KATHARKUTTY,
   S/O.MAMMAD, AGED 72 YEARS, AGRICULTURIST,
   VANMUKHAM AMSOM, KADALUR DESOM, KOYILANDY TALUK.

2. DAUGHTER PUTHIYAMADATHUMMAL ASMA,
   AGED 41 YEARS, "DAHABA", HOUSE, NEAR MAPPILA,
   HIGH SCHOOL, CUSTOMS ROAD, PANTHALAYANI AMSOM,
   KOVILKANDY DESOM, KOYILANDY TALUK.

3. PUTHIYAMADATHUMMAL AMINA UMMA,
   D/O.MOOSA, HAJI, AGD 52 YEARS,
   RISAM HOUSE, NEAR ICS SCHOOL, BEACH ROAD,
   PANTHALAYANI AMSOM KOVILKANDY DESOM,
   KOYILANDY TALUK.

4. PUTHIYAMADATHUMAL ASYA UMMA,
   D/O.MOOSA HAJI, AGED 50 YEARS, SWASTHAM,
   SABAK HOUSE, ICE PLANT ROAD, PANTHALAYANI AMSOM,
   KOVILKANDY DESOM, KOYILANDY TALUK.

5. PUTHIYAMADATHUMMAL KADEEJA UMMA,
   D/O.MOOSA HAJI, AGED 48 YEARS,
   SWASTHAM, JAVAHIR HOUSE, PANTHALAYANI AMSOM,
   KOVILKANDY DESOM,. BEACH ROAD, KOYILANDY TALUK.

BY ADV. SRI.N.L.KRISHNAMOORTHY
SRI.K.LAKSHMINARAYANAN
SMT.SATHYA SHREEPRIYA

RESPONDENTS:

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1. PUTHIYAMADATHUMMAL THAMASIKKUM
   CHULLIYIL MARIYAKUTTY UMMA, D/O.MOOSA HAJI,
   AGED 63 YEARS NEAR VALIYS JUMA-ATH MOSQUE,
   PANTHALAYANI AMSOM, KOVILKANDY DESOM,
   KOYILANDY TALUK.

2. PUTHIYAMADATHUMMAL SUBAIDA UMMA,
D/O.MOOSA HAJI, AGED, 46 YEARS, HUDAI BEACH HOUSE,
KARIKKAMKULAM, P.O.KARAPPARAMBA, KOZHIKODE.

3. PUTHIYAMADATHUMMAL RUKIYA UMMA,
D/O.MOOSA HAJI, AGED 45 YEARS, KALINGA,
GREEN GARDEN, NEAR GOVERNMENT HOMEO COLLEGE,
KARAPPARAMBA, KOZHIKODE.

4. AFSATH MOIDEEN E.V., D/O.KADERKUTTY,
AGED 36 YEARS, SWASTHAM, P.B.NO.2399,
DOHA, KHATHAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**M.N.KRISHNAN, J.**

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**WP(C).No. 5952 OF 2006 H**

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**Dated this the 21st August, 2007.**

**JUDGMENT**

This writ petition is preferred against the order of the Subordinate Judge, Koyilandy whereby the court directed allotment of the entire 41 cents of property with the house therein, in favour of the first defendant in the case. The property was ordered to be divided into 21 equal shares and the share of the first defendant was 3/21 shares, along with 3/21 shares which he has purchased from the 6th respondent. I feel there is considerable grievance for the parties in this matter. But the learned counsel would submit before me that thereafter the court below has passed a final decree. So, no purpose will be served by prosecuting this writ petition at this stage. Therefore, the writ petition is disposed of with the observation that the present writ petitioners will be entitled to raise all these contentions in the appeal which they propose to prefer against the final decree passed in this case. Writ petition is disposed of accordingly.

**M.N.KRISHNAN**
**Judge**

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